

# United States Patent Application

## COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: RADIONUCLIDE LABELING OF VITAMIN B<sub>12</sub> AND COENZYMES THEREOF.

The specification of which

- a.  is attached hereto
- b.        was filed on        as application serial no.        and was amended on        (if applicable) (in the case of a PCT-filed application) described and claimed in international no.        filed        and as amended on        (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (see page 3 attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

- a.  no such applications have been filed.
- b.        such applications have been filed as follows:

### FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119

COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

### ALL FOREIGN APPLICATIONS, IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)

COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

US APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS(patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

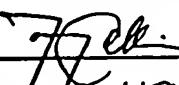
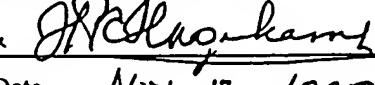
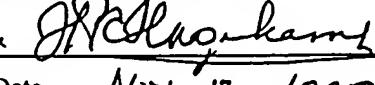
Anglin, J. Michael	Reg. No. 24,916	Embreton, Janet E.	Reg. No. P-39,665	Lundberg, Steven W.	Reg. No. 30,568
Bianchi, Timothy E.	Reg. No. P-39,610	Forrest, Bradley A.	Reg. No. 30,837	Schwegman, Micheal L.	Reg. No. 25,816
Billig, Patrick G.	Reg. No. 38,080	Holloway, Sheryl S.	Reg. No. 37,850	Slifer, Russell D.	Reg. No. P-39,838
Brennan, Thomas F.	Reg. No. 35,075	Kluth, Daniel J.	Reg. No. 32,146	Woessner, Warren D.	Reg. No. 30,440
Burke, John E.	Reg. No. 35,836	Lemaire, Charles A.	Reg. No. 36,198	Viksnins, Ann S.	Reg. No. 37,748
Clark, Barbara J.	Reg. No. 38,107	Lempia, Bryan J.	Reg. No. P-39,746		

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, & Woessner, P.A. to the contrary.

Please direct all correspondence in this case to Schwegman, Lundberg & Woessner, P.A. at the address indicated below:

P.O. Box 2938, Minneapolis, MN 55402  
Telephone No. (612)339-0331

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

201	Full Name of Inventor	Family Name	First Given Name	Second Given Name
		Collins	Douglas	A.
	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
		Rochester	Minnesota	U.S.A.
Post Office Address	Post Office Address	City	State & ZipCode/Country	
	1150 Meadowlark Court SW	Rochester	MN/55902/USA	
202	Full Name of Inventor	Family Name	First Given Name	Second Given Name
		Hogenkamp	Henricus	Petrus
	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
		Roseville	Minnesota	U.S.A.
Post Office Address	Post Office Address	City	State & ZipCode/Country	
	2211 Marion Road	Roseville	MN/55113/USA	
203	Full Name of Inventor	Family Name	First Given Name	Second Given Name
	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
Post Office Address	Post Office Address	City	State & ZipCode/Country	
Signature of Inventor 201		Signature of Inventor 202		Signature of Inventor 203
x 		x 		
Date  NOV 13 1995		Date x  Nov 13 1995		Date

For Additional Inventors: \_\_\_\_\_ Indicate here and attach sheet with same information, including date and signature.

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

Atty Docket No.: COP1000DIV4

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Collins, Douglas A. et al.

Serial No.: 09/626,213

Filed: July 26, 2000

For: Radionuclide Labeling of Vitamin B<sub>12</sub> and Coenzymes ThereofAssistant Commissioner for Patents  
Washington, DC 20231**POWER OF ATTORNEY, REVOCATION OF PRIOR POWERS AND CHANGE OF  
CORRESPONDENCE ADDRESS**

Sir:

As Assignee of record of the entire interest in the above-referenced application, I hereby revoke all previous powers of attorney or authorizations of agent given in the above-identified application. I hereby appoint the following attorneys or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Sherry M. Knowles, Reg. No. 33,052  
Steven P. Wigmore, Reg. No. 40,447  
Lisa K. Norton, Reg. No. 44,977  
Clark G. Sullivan, Reg. No. 36,942  
Holmes J. Hawkins, Reg. No. 38,913

W. Scott Petty, Reg. No. 35,645  
Curtis L. Doster, Reg. No. 41,714  
Charles Vorndran, Reg. No. 45,315  
Hoang M. Vo, Reg. No. P-47,158

Please change the correspondence address for the above-identified application to:

Sherry M. Knowles, Esq.  
King & Spalding  
191 Peachtree Street  
Atlanta, Georgia 30303-1763  
(404) 572-3541  
(404) 572-5145 facsimile

Assignee: Mayo Foundation for Medical Education  
and Research *Rick F. Colvin*  
Signature: *Rick F. Colvin*  
Name: Rick F. Colvin  
Date: 11/9/00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Collins, Douglas A. *et al.*

Serial No.: 09/626,213

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King & Spalding  
191 Peachtree Street  
Atlanta, Georgia 30303-1763  
(404) 572-3541  
(404) 572-5145 facsimile

Assignee: Regents of the University of  
Minnesota  
Signature: *Michael F. Moore*  
Name: Michael F. Moore  
Date: 1 November 2000

## ASSIGNMENT

WHEREAS, I, Henricus Petrus Cornelis Hogenkamp, Ph.D., residing at 2211 Marion Road, Roseville, MN 55113, a citizen of the United States, made with co-inventor Douglas A. Collins certain new and useful inventions and improvements for which I executed an application for Letters Patent of the United States on even date herewith and which is entitled RADIONUCLIDE LABELING OF VITAMIN B<sub>12</sub> AND COENZYMES THEREOF.

AND WHEREAS, Regents of the University of Minnesota, a corporation organized and existing under and by virtue of the laws of the State of Minnesota, and having an office and place of business at Morrill Hall, 100 Church Street SE, Minneapolis, Minnesota 55455 (hereinafter "Assignee") is desirous of acquiring my entire right, title and interest in and to said inventions, improvements and application and in and to the Letters Patent to be obtained therefor;

NOW, THEREFORE, to all whom it may concern, be it known that for good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, I have sold, assigned, and transferred, and by these presents do sell, assign and transfer unto said Assignee, its successors or assigns, my entire right, title and interest for all countries in and to all inventions and improvements disclosed in the aforesaid application, and in and to the said application, all divisions, continuations, or renewals thereof, all Letters Patent which may be granted therefrom, and all reissues or extensions of such patents, and in and to any and all applications which have been or shall be filed in any foreign countries for Letters Patent on the said inventions and improvements, including an assignment of all rights under the provisions of the International Convention, and all Letters Patent of foreign countries which may be granted therefrom; and I do hereby authorize and request the Commissioner of Patents and Trademarks to issue any and all United States Letters Patent for the aforesaid inventions and improvements to the said Assignee as the assignee of my entire right, title and interest in and to the same, for the use of the said Assignee, its successors and assigns.

AND, for the consideration aforesaid, I do hereby agree that I and my executors and legal representatives will make, execute and deliver any and all other instruments in writing including any and all further application papers, affidavits, assignments and other documents, and will communicate to said Assignee, its successors and representatives all facts known to me relating to said improvements and the history thereof and will testify in all legal proceedings and generally do all things which may be necessary or desirable more effectually to secure to and vest in said Assignee, its successors or assigns my entire right, title and interest in and to the said improvements, inventions, applications, Letters Patent, rights, titles, benefits, privileges and advantages hereby sold, assigned and conveyed, or intended so to be.

SLW: 150.152US1  
Serial No.: not assigned  
Filing Date: not assigned  
Page 2 of 2

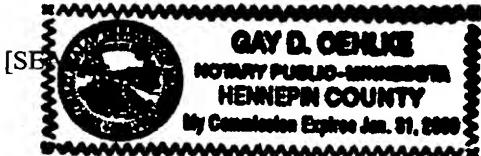
AND, furthermore I covenant and agree with said Assignee, its successors and assigns, that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by me and that full right to convey the same as herein expressed is possessed by me.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 13 day of November  
1995.

*Henricus Petrus Cornelis Hogenkamp*  
Henricus Petrus Cornelis Hogenkamp *Hogenkamp*

STATE OF MINNESOTA )  
COUNTY OF Hennepin )ss.

On this 13 day of November, 1995 before me personally appeared Henricus Petrus Cornelis Hogenkamp to me known and known to me to be the person described in and who executed the foregoing instrument, and he/she duly acknowledged to me that he/she executed the same for the uses and purposes therein set forth.



*Gay D. Oehlke*  
Notary Public

## ASSIGNMENT

WHEREAS, I, Douglas A. Collins, M.D., residing at 1150 Meadowlark Court SW, Rochester, MN 55902, a citizen of the United States, made with co-inventor Henricus Petrus Cornelis Hogenkamp certain new and useful inventions and improvements for which I executed an application for Letters Patent of the United States on even date herewith and which is entitled RADIONUCLIDE LABELING OF VITAMIN B<sub>12</sub> AND COENZYMES THEREOF.

AND WHEREAS, Mayo Foundation for Medical Education and Research, a corporation organized and existing under and by virtue of the laws of the State of Minnesota, and having an office and place of business at 200 First Street SW, Rochester, Minnesota 55905 (hereinafter "Assignee") is desirous of acquiring my entire right, title and interest in and to said inventions, improvements and application and in and to the Letters Patent to be obtained therefor;

NOW, THEREFORE, to all whom it may concern, be it known that for good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, I have sold, assigned, and transferred, and by these presents do sell, assign and transfer unto said Assignee, its successors or assigns, my entire right, title and interest for all countries in and to all inventions and improvements disclosed in the aforesaid application, and in and to the said application, all divisions, continuations, or renewals thereof, all Letters Patent which may be granted therefrom, and all reissues or extensions of such patents, and in and to any and all applications which have been or shall be filed in any foreign countries for Letters Patent on the said inventions and improvements, including an assignment of all rights under the provisions of the International Convention, and all Letters Patent of foreign countries which may be granted therefrom; and I do hereby authorize and request the Commissioner of Patents and Trademarks to issue any and all United States Letters Patent for the aforesaid inventions and improvements to the said Assignee as the assignee of my entire right, title and interest in and to the same, for the use of the said Assignee, its successors and assigns.

AND, for the consideration aforesaid, I do hereby agree that I and my executors and legal representatives will make, execute and deliver any and all other instruments in writing including any and all further application papers, affidavits, assignments and other documents, and will communicate to said Assignee, its successors and representatives all facts known to me relating to said improvements and the history thereof and will testify in all legal proceedings and generally do all things which may be necessary or desirable more effectually to secure to and vest in said Assignee, its successors or assigns my entire right, title and interest in and to the said improvements, inventions, applications, Letters Patent, rights, titles, benefits, privileges and advantages hereby sold, assigned and conveyed, or intended so to be.

SLW: 150.152US1  
Serial No.: not assigned  
Filing Date: not assigned  
Page 2 of 2

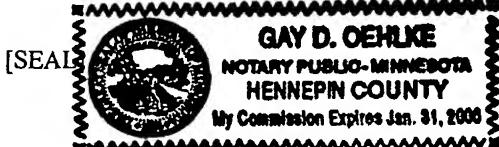
AND, furthermore I covenant and agree with said Assignee, its successors and assigns, that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by me and that full right to convey the same as herein expressed is possessed by me.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 13 day of Nov.  
1995.

  
Douglas A. Collins

STATE OF MINNESOTA )  
COUNTY OF Hennepin )ss.

On this 13 day of November, 1995 before me personally appeared Douglas A. Collins to me known and known to me to be the person described in and who executed the foregoing instrument, and he/she duly acknowledged to me that he/she executed the same for the uses and purposes therein set forth.



  
Notary Public